

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Lana Sue Dyal,	)	
	)	
Plaintiff,	)	Civil Action No. 6:11-cv-03238-JMC
	)	
v.	)	<b>ORDER</b>
	)	
GE Gas Turbine,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on the Magistrate Judge’s Report and Recommendation [Dkt. No. 15], regarding the *pro se* Complaint [Dkt. No. 1] alleging a claim for wrongful termination based on race discrimination against Defendant. The Magistrate Judge’s Report and Recommendation [Dkt. No. 15], filed on January 18, 2012, recommends that Plaintiff’s Complaint [Dkt. No. 1] in the above-captioned case be dismissed *without* prejudice. The Magistrate Judge’s Report and Recommendation further recommends that the court decline to exercise supplemental jurisdiction over Plaintiff’s remaining state law claims pursuant to 28 U.S.C. § 1367(c)(3). The Report and Recommendation sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The Magistrate Judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may

accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff was advised of her right to file objections to the Report and Recommendation [Dkt. No. 15 at 3]. Plaintiff timely filed objections [Dkt. No. 19] to the Report and Recommendation within the prescribed time limits.

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. *See United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Magistrate Judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The court finds that Plaintiff's objections attempt to explain her failure to comply with the court's order [Dkt. No. 11] requiring her to bring the case into proper form for evaluation and possible service of process or risk the case being dismissed. Plaintiff further states that she has now forwarded the appropriate documents to the court. Therefore, after a thorough review of the Report and Recommendation and the record in this case, the court **RECOMMITS** this matter to the Magistrate Judge for further consideration in light of Plaintiff's further filings.

**IT IS SO ORDERED.**



United States District Judge

November 5, 2012  
Greenville, South Carolina